

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED *for C'ville*
MAR 05 2008

JOHN E. CORCORAN, CLERK
BY: *J. Corcoran*
DEPUTY CLERK

United States of America)

v.)

Marco Antonio Rodriguez)

Case No: 3:97CR50040-004

USM No: _____

Date of Previous Judgment: July 22, 1998

(Use Date of Last Amended Judgment if Applicable)

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☒ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 156 months is reduced to 125 months*.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31

Amended Offense Level: 29

Criminal History Category: IV

Criminal History Category: IV

Previous Guideline Range: 151 to 188 months

Amended Guideline Range: 121 to 151 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

The Government has objected to a reduction based on aspects of Defendant's pre- and post-sentencing conduct. Finding that the pre-sentencing conduct is adequately accounted for under the amended guideline range and that the post-sentencing conduct is adequately addressed by Bureau of Prisons procedures, and upon consideration of the factors set forth in 18 U.S.C. § 3553(a) and U.S.S.G. § 1B1.10, the Government's objections are overruled and Defendant's sentence is reduced as provided above.

*Defendant's term of imprisonment is reduced to 125 months, but not less than time served.

Except as provided above, all provisions of the judgment dated 7/22/1998 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 5, 2008

Norman K. Moon

Judge's signature

Effective Date: March 15, 2008
(if different from order date)

Norman K. Moon, United States District Judge

Printed name and title